AUG 1 2 1982 1808-D ORIGINAL Y 1.1/8:97-682

97TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-682

Y1.1/8:97-682 COMPLETED

TESSIE AND ENRIQUE MARFORI

JULY 29, 1982.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. RODINO, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 191]

The Committee on the Judiciary, to whom was referred the bill (S. 191), for the relief of Tessie and Enrique Marfori, having considered the same, report favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant the status of permanent residence in the United States to Tessie and Enrique Marfori, as of the date of enactment of this act. The bill also provides for the payment of the required visa fee and for the deduction of visa numbers.

STATEMENT OF FACTS

The beneficiary Tessie Marfori, a native and citizen of the Philippines was born April 28, 1952 in Eacen, Philippines, and presently resides in Madison, Wisconsin. She was admitted into the United States on May 5, 1973, at Honolulu, as a nonimmigrant visitor to join her husband who was undergoing medical treatment in the United States for cancer. She and her son returned to the Philippines because of a death in the family and was paroled into the United States for humanitarian reasons on May 11, 1978. Her husband died on January 6, 1979 in Madison, Wisconsin. Prior to his death, his sister Herminia Marfori Farme, a naturalized United States citizen filed a fifth preference visa petition in his behalf. This petition was approved but due to the unavailability of visa numbers Mr. Marfori did not become a lawful permanent resident. Mrs. Marfori has been employed at the Madison Gas and Electric Company, Madison, Wisconsin, as an Administrative Control Clerk, since May, 1979 and earns approximately $9,000 per year. She is purchasing her present residence which is valued

at approximately $30,000. After entering the United States she obtained an Associate Degree in Accounting in the Madison Area Technical College in 1977. The beneficiary, Enrique Marfori, is the son of Tessie and Benjamin Marfori, born November 7, 1970 in Quezon City, Philippines. He resides with his mother in Madison, Wisconsin.

The pertinent facts are contained in a letter, with attached memorandum, dated October 11, 1979 from the Commissioner of the Immigration and Naturalization Service to the Chairman of the Senate Committee on the Judiciary regarding a bill then pending for the relief of the same persons. That letter and accompanying memorandum read as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C. October 11, 1979.

Hon. EDWARD M. KENNEDY,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the Bill S. 1043, for the relief of Tessie and Enrique Marfori, there is attached a memorandum of information.

The bill would provide that the beneficiaries be classified as lawful permanent residents of the United States as of the date of enactment upon payment of the required visa fee.

Absent enactment of the bill, the beneficiaries, natives and citizens of the Philippines, would be chargeable to the nonpreference portion of the numerical limitation for immigrant and conditional entrants.

Sincerely,

CORNELIUS J. LEARY
(for Commissioner).

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: S. 1043

The beneficiary, Tessie Marfori, a native and citizen of the Philippines was born April 28, 1952 in Eacen, Philippines. She presently resides in Maidson, Wisconsin. Mrs. Marfori was paroled into the United States for humanitarian reasons at Los Angeles, California on May 11, 1978. She previously entered the United States on May 5, 1973 at Honolulu, as a nonimmigrant visitor to join her husband who is undergoing medical treatment in the United States. She is employed at Madison Gas and Electric Company, Madison, Wisconsin as an Administrative Control Clerk. She began this employment in May, 1979. She earns approximately $9,000 per year. She is purchasing her present residence and its value is approximately $30,000. Mrs. Marfori attended the Philippines School of Business Administration in the Philippines and studied accounting for one year. She also attended Manual Quezon University in the Philippines and studied accounting for one semester. After entering the United States she obtained an Associate Degree in Accounting in the Madison Area Technical College in 1977. Her parents are both living and reside in the Philippines as do her seven brothers

and sisters. On March 8, 1969, she married Benjamin Marfori, a native of the Philippines in Manila, Philippines. Mr. Marfori, entered the United States on February 24, 1973 as a nonimmigrant visitor to undergo medical treatment for cancer. Mr. Marfori died on January 6, 1979 in Madison, Wisconsin. Prior to his death, his sister Herminia Marfori Farme, a naturalized United States citizen filed a fifth preference visa petition in his behalf. This petition was approved but due to the unavailability of visa numbers Mr. Marfori did not become a lawful permanent resident.

The beneficiary, Enrique Marfori, is the son of Tessie and Benjamin Marfori. He was born November 7, 1970 in Quezon City, Philippines. He resides with his mother in Madison, Wisconsin. He was paroled into the United States for humanitarian reasons with his mother. His prior entry corresponds with his mother's. Enrique has no brothers or sisters nor does he have any other relatives in the United States.

Following is a letter from Senator William Proxmire, dated October 31, 1979, with attachments to the then Chairman of the Committee on the Judiciary, in support of his legislation:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., October 31, 1979.

Hon. EDWARD KENNEDY,
Chairman, Senate Judiciary Committee,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you in support of S. 1043 which I have introduced for the relief of Mrs. Tessie Marfori and her son Enrique. In February of 1973 Mrs. Marfori's husband, Benjamin, came to the United States on a humanitarian parole to obtain medical treatment for Hodgkin's Disease at the University of Wisconsin Medical Center in Madison, Wisconsin. His wife and their two year old son joined him here in May of that same year. Mr. Marfori obtained employment in Madison to help support himself and his family and worked as regularly as his health would permit. Mrs. Marfori not only worked but obtained a degree in accounting at the Madison Area Technical College. During these years, the Marfori family was able to purchase an automobile, a condominium apartment in Madison and set up a savings account for their family. Their son, Ricky, is now eight and is in the third grade. He speaks only English and has no recollection of his life in the Philippines.

In 1977, Mr. Marfori's sister became a naturalized American citizen and filed a fifth preference petition for her brother. Even though the petition was approved, the shortage of quota numbers for fifth preference immigrants from the Philippines prevented Mr. Marfori from being able to adjust his status to that of a permanent resident alien. Unfortunately, his medical treatment was not successful and he passed away in January of 1979. While Mrs. Marfori is an excellent worker and has a fine job, her skills are not in short supply here on the United States and she would not be eligible for an alien employment certification. She has no American citizen relatives.

I am enclosing a letter I received from Attorney Jack R. DeWitt which outlines in detail the facts of the Marfori case. I am also enclosing many exceptional letters I have received from friends and co-workers of the Marfori family which attest to their intelligence, ambition, responsibility and their bravery in the face of adversity. Also attached is a letter from Mrs. Marfori in which she expresses her appreciation for the private bill and states her desire to remain here and become a good citizen of the United States.

As many of the letters state, it was Mr. Marfori's continual and dying wish that his wife and child be permitted to remain here in the United States and become citizens of this country which they so dearly love. I am convinced, after having discussed the Marfori family with persons who know them well, that their exceptional character and motivation would enable them to become exemplary American citizens and a credit to our country.

In view of the admirable character and unblemished record of the Marfori family, I hope that the Committee will be able to make a favorable recommendation on this bill. If the Committee cannot do so, I strongly urge that the bill be permitted to remain in Committee until June 1 of 1980 so as to enable Mrs. Marfori to apply for relief under Section 244(a)(1) of the Immigration and Nationality Act. I thank you for your consideration of this request.

Sincerely,

WILLIAM PROXMIRE, U.S.S.

DEWITT, MCANDREWS & SUNDBY,
Madison, Wis., April 18, 1979.

Hon. WILLIAM PROXMIRE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PROXMIRE: I am writing to you to request that you sponsor and introduce a private bill to permit Tessie D. Marfori and Enrique D. Marfori to remain in the United States. Although they are paroled pursuant to § 212(d)(5) of the Immigration and Naturalization Act until May 10, 1979, I hope you will agree with me and their many friends and associates in the Madison area that they are truly worthy of special consideration on humanitarian grounds. To help you understand why I feel so strongly about this young widow and her eight year old boy, I would like to review the difficulties they have faced in the last six years.

In February 1973, Benjamin Fernandez Marfori came to the United States on a humanitarian visa to obtain treatment for Hodgkin's disease at the University of Wisconsin Medical Center. As you might expect, the treatment available in the Philippines at that time was far inferior to that which was available here in Madison. As a matter of fact, his disease was so advanced that there was little hope for him if he remained in the Philippines. When he began receiving treatment in Madison, Ben Marfori was 19 years old and he had to leave his wife and two year old son in the Philippines. They joined him in Madison in May of 1973.

In spite of his physical problems, Ben obtained employment in Madison to help support himself and his family. He worked as regu-

larly as his health permitted. His wife, Tessie, not only took care of their young son "Ricky" and obtained employment permitted under the terms of her parole, but also attended classes at Madison Area Technical College to obtain her degree in accounting. For six years, they were a model of the American Dream. Having arrived in this country as poor immigrants, they overcame physical and cultural problems to dedicate themselves to making a better life for themselves and their young son. They worked hard to support themselves and participated in their parish's activities as their time and Ben's health permitted. In the six years Ben lived in this country. he and his family were able to save enough money to buy a new car, a condominium apartment in Madison, and still save a substantial amount of money. In the meantime, their young son "Ricky" grew up as an American boy. He is now eight and in the third grade in Madison. He speaks only English. His friends are all American children and he has no recollection of, or ties with, the Philippines.

For the first four years that Ben and his family were here, Ben was on a humanitarian visa. Some time in 1976 or 1977, his sister, Hermina Marfori Farne, became a naturalized U.S. citizen. (She is married to Dr. Rey Farne who practices medicine in Mauston.) On June 15, 1977, Mrs. Farne filed a petition for a relative immigrant visa for Ben (fifth preference). The petition was approved on October 10, 1978, as file number A20 939 407. A copy of the approval of the petition is enclosed. As I am sure you are aware, there are far more applicants from the Philippines than there are immigrant visa numbers presently available. Accordingly, although Ben had been put on the fifth preference waiting list, he had to wait for some time before a visa number and permanent resident status were available.

Unfortunately, Ben lost his battle with cancer in January 1979, only three months after his petition had been approved. He left a 27 year old widow and an eight year old son. Neither of them have relatives who are citizens of the United States. Although she is highly employable and a good worker, Ben's widow, Tessie, does not appear to have a particular profession or labor skill that fits into either the third or sixth preferences for permanent resident visas at the present time. Obviously, little Ricky is in the same situation. Because they have been unable to fit themselves into any preference category, they are threatened with deportation when their parole expires May 10, 1979 (copies of the paroles are enclosed). Thus, I have written to you for your special consideration.

As you can imagine, these several months have been a period of extreme stress for Tessie. The burden of Ben's death and the possible deportation have forced her to seek psychiatric care. I believe she and her son Ricky are especially deserving of humanitarion consideration in this difficult time. It would work an extreme hardship on both of them to be sent back to the Philippines. Tessie has worked hard for six years to maintain a good family life under difficult cnditions and she has achieved most of what our American way of life is all about. It was Ben's dying wish that his son be brought up here in the United States. Ricky does not speak Tagalog, the native language of the Philippines, because he has been here since he was a toddler. I feel it would be a great hardship for him to go back to the Philippines now to a new language and a new culture. In all ways but lineage, he is truly an Ameri-

can child. Certainly this young family would have remained and eventually qualified for American citizenship, but for Ben's untimely death. It would be a cruel twist to prevent Tessie and Ricky from remaining and enriching our community after they have done so much to support Ben during the last six years. After the challenges they have met and the difficulties they have overcome, I hope you agree that Tessie and Ricky should not be deported merely because Ben died before they could petition for permanent resident status.

In support of our request for your favorable consideration, I am enclosing many letters from co-workers, co-worshippers, and friends of the Marfori family which eloquently plead the case for Tessie and Ricky. You have already received a letter from Msg. Edward Auchter, pastor of St. Mary of the Lake Church, Waunakee, Wisconsin. I think it is obvious that Tessie is a hard working, self-sufficient and intelligent young woman who would make an outstanding American citizen. I think she still deserves that opportunity. Young Ricky has had enough problems in his few short years. I hope you will agree that he should not be put through the additional emotional trauma of being deported. As their parole expires May 9, 1979, time is short and your prompt action is necessary. I deeply hope that you will give favorable consideration to this request and soon introduce a private bill permitting Tessie and Ricky to remain in the United States. I know you will not regret the decision; and I know that the Madison community will be better off for it.

Thank you in advance for your assistance. Please contact me if you need further information in order to make your decision.

Very truly yours,

JACK R. DEWITT.

Enclosures.

BUGETARY INFORMATION

This legislation does not provide new budget authority and no estimate or comparison has been received from the Director of the Congressional Budget Office.

OVERSIGHT STATEMENT

The Committee exercises general oversight jurisdiction with respect to all immigration and nationality matters but no specific oversight is contemplated in this instance.

COMMITTEE RECOMMENDATIONS

Upon consideration of all the facts in this case, the Committee is of the opinion that S. 191 should be enacted and accordingly recommends that the bill do pass.

○